

IN THE NORTHERN DISTRICT OF OKLAHOMA  
UNITED STATES OF AMERICA

PHILIP SANDERS, an Individual and )  
Husband and Next of Kin of BRENDA )  
JEAN SANDERS, Deceased, )  
 )  
 )  
Plaintiff, ) Case No. 4:17-cv-492-JED-CDL  
 )  
 )  
v. )  
 )  
TURN KEY HEALTH CLINICS, a )  
limited liability company. )  
 )  
Defendant. )

**PLAINTIFF'S APPLICATION FOR ADDITIONAL DEPOSITIONS**

COMES NOW Plaintiff Philip Sanders (hereinafter "Plaintiff") respectfully requests the Court allow Plaintiff additional depositions exceeding the ten deposition limit in Federal Rule of Civil Procedure 30.

**SUMMARY OF RELEVANT FACTS**

1. In the Joint Status Report of December 6, 2017, Plaintiff had stated he would likely need at least 15 fact witnesses for this case. *See* Exhibit 1.
2. As of November 16, 2020, Plaintiff has deposed ten individuals.
3. Out of these ten individuals, Plaintiff has deposed five employees of Turn Key who did or should have treated Brenda Sanders: Cheryl Green, Kerri Ferris, Lela Goatley, Nicholas Groom, and Tamara Davis.
4. Out of these ten individuals, Plaintiff deposed Classica Godwin, a cell mate of Brenda Sanders before she passed.
5. Out of these ten individuals, Plaintiff deposed five employees of Creek County

Sheriff's Office who were there at the time Brenda Sanders was or were in director positions: Cody Smith, Lindsey Foster, Bailey Smalley, Kelly Birch, and John Davis.

6. Ms. Thompson and Turn Key has obstructed much discovery that Plaintiff has attempted to complete, from depositions to written discovery, and continues to do so. This has made it exceedingly difficult for Plaintiff to get the information needed.

7. Further, Brenda Sanders' medical records at Turn Key do not even exceed 20 pages, leaving Plaintiff in a discovery pursuit to discover what happened.

8. Ms. Thompson, attorney for Turn Key and Jessica Mobley, has filed a motion to quash Jessica Mobley's deposition on behalf of Jessica Mobley, also stating that this would result in more than ten depositions. In this, she has voiced her opinion that she will not stipulate to any more depositions.

#### **ARGUMENTS AND AUTHORITIES**

Rule 30, in relevant portions, provides:

(2) *With Leave*. A party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(1) and (2):

(A) if the parties have not stipulated to the deposition and:

(i) the deposition would result in more than 10 depositions being taken under this rule or Rule 31 by the plaintiffs, or by the defendants, or by the third-party defendants;

Fed. R. Civ. P. 30(a)(2).

Ms. Thompson, attorney for Turn Key, will not stipulate to any more depositions. Therefore, Plaintiff is forced to bring this matter before the Court. Plaintiff still has at least three more depositions he would like to take, excluding experts, including:

- Dr. William Cooper: Chief Medical Officer of Turn Key and "always on call" doctor for Turn Key employees when they have questions. *See* Exhibits 2 and 3.
- Rhett Burnett: Client Liaison and Risk Management Coordinator of Turn Key
- Corporate Representative of Turn Key

In Ms. Thompson's Motion to Quash Jessica Mobley's depositions, Ms. Thompson voiced this objection to any more depositions. However, she failed to state how this would prejudice Turn Key or anything else.

Ms. Thompson has filed a motion to quash depositions of the Corporate Representative of Turn Key and of Rhett Burnett, and these motions are pending before the Court.

Because of Ms. Thompson's objections and failure to stipulate, Plaintiff comes before the Court requesting leave to depose at least three more individuals excluding experts. Plaintiff believes all of these individuals have relevant information to this case. Further, as stated before, Ms. Thompson and Turn Key has continued to obstruct the discovery process, making it exceedingly difficult for Plaintiff to discover the facts necessary for his case.

### **CONCLUSION**

WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff leave to take at least three more depositions excluding experts.

Dated this 16<sup>th</sup> day of November, 2020.

Respectfully submitted,

**RICHARDSON RICHARDSON BOUDREAUX**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of November, 2020, I electronically submitted the attached document to the Clerk of Court using the ECF System for filing:

Paulina Thompson  
Johnson Hanan & Vosler  
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*Attorney for Defendant Turn Key*

*/s/ Colton L. Richardson*  
For the Firm